

**REMARKS**

Applicants are in receipt of an Office Action issued in the above-referenced application on February 26, 2008. Applicants acknowledge the Examiner's allowance of Claims 22-25, 28, 29, 67, 81-83, 86, 87, 117, 118, and 124-129.

**35 U.S.C. §112, second paragraph**

The Examiner has rejected Claims 1-21, 26, 27, 33-37, 43, 55, 56, 59-63, 71-79, 84, 85, 92-95, and 120-123 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner,

"Claim 26 is vague and indefinite in the recitation of 'the VH CDR3 sequence' . . . Claim 27 is vague and indefinite because it is unclear if 'said antibody' refers to the antibody including a combination of HuCAL VH2 and HuCAL V lambda, or if 'said antibody' refers to the antibody which competes for binding to the aforesaid antibody . . . Claim 84 is vague and indefinite because it is unclear if the VH CDR3 sequence is further modifying the antibody . . . Claim 85 is vague and indefinite because it is unclear if 'said antibody' refers to the antibody including a combination of HuCAL VH2 and HuCAL V lambda . . ." (See, Office Action, page 2.)

In order to expedite prosecution of this application, and without acquiescing in the Examiner's reasoning for determining that Claims 26, 27, 84, and 85 are vague and indefinite as written, Applicants have canceled Claims 26, 27, 84, and 85. As such, Applicants have also amended all multiple dependent claims that include a reference to canceled Claims 26, 27, 84, 85, to delete said reference. The claims so amended are Claims 7-11, 14-18, 20, 33-37, 43, 55, 59-63, 71, 73-78, 92, and 120-123. No new matter is added by the amendments to the claims.

Applicants respectfully assert that the objection raised under 35 U.S.C. §112, second paragraph is now moot. Entry of the amendments and allowance of Claims 7-11, 14-18, 20, 33-37, 43, 55, 59-63, 71, 73-78, 92, and 120-123 are respectfully requested.

Applicants hereby expressly reserve the right to pursue subject matter not specifically covered in the claims as a result of the above-referenced amendments in a continuing application.

**35 U.S.C. §102(b)**

The Examiner has rejected Claims 18, 20, 21, 26, 35, 36, 55, 59, 61, 71, 73, 78, 79, and 84 under 35 U.S.C. §102(b) as anticipated by Ge et al., *Human Immunology*, 42: 27-34 (1995).

The Examiner specifically describes the subject matter recited in Claims 26 and 84 that is deemed to be anticipated by Ge et al. However, in order to expedite prosecution of this application, and without acquiescing in the Examiner's reasoning for determining that Claims 26, and 84 are anticipated by Ge et al., Applicants have canceled Claims 26 and 84 and therefore the rejection of the above-referenced claims under 35 U.S.C. §102(b) as anticipated by Ge et al. is now moot. No new matter has been added by these amendments. Entry of the amendments and allowance of Claims 18, 20, 21, 35, 36, 55, 59, 61, 71, 73, 78, and 79 are respectfully requested.

Applicants hereby expressly reserve the right to pursue subject matter not specifically covered in the claims as a result of the above-referenced amendments in a continuing application.

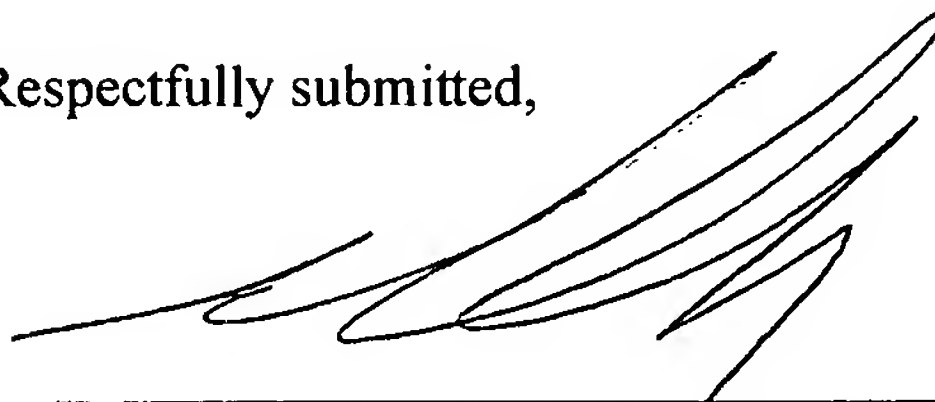
**Amendment to Claims 28 and 86**

In addition, Claims 28 and 86 have been amended to more particularly define the invention disclosed therein. Specifically, these claims have been amended to specify that the antigen-binding domain recited therein "includes a combination of HuCAL VH2 and HuCAL Vλ1, wherein the Vλ1 CDR1 sequence is represented in the general formula: . . ."

Support for this amendment can be found in Table 1 of the application as filed that shows that such a consensus-based CDR1 sequence is found in clones being a combination of HuCAL VH2 and HuCAL Vλ1. No new matter is added by the amendment to Claims 28 and 86. Entry of the amendment and allowance of Claims 28 and 86 are respectfully requested.

For the reasons set forth above, reconsideration and allowance of Claims 7-25, 28, 29, 33-37, 43, 55, 56, 59-63, 67, 71-79, 81-83, 86, 87, 92-95, 117, 118, and 120-129 are respectfully requested.

Respectfully submitted,



Leon R. Yankwich (Reg. No. 30,237)  
David G. O'Brien (Reg. No. 46,125)  
Attorneys for Applicant  
YANKWICH & ASSOCIATES, P.C.  
201 Broadway  
Cambridge, Massachusetts 02139  
telephone: (617) 374-3700  
telefax: (617) 374-0055

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

July 28, 2008

date



Melanie A. McFadden